

## LOVE'S LABOR LOST— A COMEDY OF ERRORS

(Continued from First Page.)

"No, Your Honor," Fitch responded in a tone of deep regret.

"It's fine!" declared His Honor, lost in meditation.

Colonel Fitch went on to say, in relation to the matter of admitting testimony in regard to the character of Love's associates, that counsel might as well bring in anything from the Lord's Prayer to the constitution of the Republic of Hawaii.

Thompson responded that the Colonel had gone off on a tangent and quoted authorities.

The question, however, was not allowed.

High Sheriff Brown was then called to the stand. He testified to having been in the Islands for 33 years and to having often seen James Love, the petitioner, in a state of sad intoxication.

He remembered distinctly, six or eight months ago, while driving alone in a buggy, on a bright moonlight night, he heard a terrible noise emanating from the residence of the Roos on the Walkiki road.

Yes, the incident was very vivid in his mind, still. He did not get out of the buggy, but sat there for half or three-quarters of an hour, listening to the awful noise and watching Mr. James Love, "hanging out of the parlor window with his shirt on, rolling back and forth, muttering and groaning and vomiting." Yes, he thought Love was drunk.

No, he did not seem to be suffering from the effects of an emetic. He could not swear he was drunk. He was not a medical man but he was an expert on drunks. There was such a row in the house that High Sheriff Brown sent to town for a policeman. He did not get out of his buggy to do this. A man on a bicycle took the message to the city.

Chester Doyle was the next witness called to the stand.

He answered the questions of Magoon and Thompson in an easy manner, dealing with generalities, forgetting dates. He stated that he knew Love and that he had never seen Love in a sober condition.

When Colonel Fitch took the witness in hand he attempted to pin him down to specific instances of Love's drunkenness.

Doyle, however, remembered only to have seen Love drunk "in the year of our Lord" something or other. Doyle answered every question in an indirect manner. His responses were vague and he banded words with the learned counsel.

When Colonel Fitch insisted on Doyle answering the questions, the witness intimated that he would seek the protection of the court.

Doyle testified in a vague kind of a way that he had at one time, while standing on a corner, not on duty, seen Mrs. Roe trying to get James Love into her house. Love was lying on the grass, in a terrible state of intoxication, and using fearful language. Doyle did not remember the exact words. They were very bad. No, he was not too sensitive to repeat the words, he "was callous."

How did he know it was Mrs. Roe who was trying to get Love into the house? He did not see her face, he did not hear her voice, he "recognized the lady by her shape."

Doyle continued to play smart and would not answer questions in a direct manner.

Judge Gear interjected about this time. His Honor said: "The witness must answer the questions of counsel. I have been noticing his attitude. He is evidently playing smart. He is simply bandying words with the attorney. If he seeks the protection of the court he shall certainly get it, unless he is willing to answer the questions in a proper manner. The protection of the court, however, may not be the kind he wants. The court will protect him in a manner that will indeed be protection. The court instructs the witness to answer in a proper manner."

After the intimation on the part of the court that he might be protected by temporary incarceration unless he conducted himself in a proper manner, Mr. Doyle paid more attention and respect to the interrogations of counsel.

Mr. De Cew was the next witness. He had come to Hawaii a little over a year ago and, about a week after his arrival here, met Mrs. Roe on a street car. He carried a bundle of bottled beer to her house for her and spent the evening there in the company of Mr. Love and Mrs. Roe.

De Cew drank only two glasses of beer. He was sure he did not drink more. The event was very vivid in his memory.

He had just come to the Islands and he was somewhat surprised to find himself carrying beer for a lady to

her house and afterward spending the evening at the house in a merry time.

Judge Gear wanted to know if the witness could remember any other instance of a year ago and over when he partook of beer and retained in his mind the memory of the exact number of drinks he had had.

The witness pleaded the peculiar circumstance as an excuse for his remembering the exact number of drinks.

What occurred after the beer had been passed around? Well, Mr. Love had become rather intoxicated. No, he remembered nothing of anybody else getting under the influence of liquor.

Love turned a few somersaults while he was in his cups. No one else attempted to turn somersaults.

De Cew resented the insinuation that he was drunk after having only two glasses of beer. He remained at the Roe house until 1 o'clock in the morning. He never went there again except in a business capacity as an electrician.

Attorney J. A. Magoon was then called to testify in regard to his guardianship of James Love.

Magoon told how Love was always anxious for money and how he was never satisfied with what he got. It seems that Love was allowed, under the guardianship, just eleven dollars a week. Seven dollars of this amount went to pay Mrs. Roe for board and lodging. The remaining four dollars Love had for his own use. This money he could use for cigars and other luxuries and for riotous living, if he so desired.

The court intimated that it was not very remarkable for Love to clamor for more money when he had practically only four dollars a week to spend on himself. Love could certainly not afford to live at the Moana Hotel or dine at Lycurgus' on four dollars a week, said the court. The court was of the opinion that a man had a right to spend his income. That is the way it appeared to the court. Did Love pay for his cigars out of the "four per"?

Magoon answered that he did. He did not specify what brand of cigars the plaintiff smoked after he had spent most of the "four per" on various other luxuries.

The court questioned Magoon as to his business relations with Love and with Mrs. Hart. Magoon was the guardian of James Love who had petitioned for a termination of the guardianship and he was now representing Mrs. Hart who had originally petitioned for the guardianship. Magoon explained his relations, which were apparently rather complicated but which did not seem so complicated after his explanation.

Along about midnight, about half an hour before the ghostly hour, court was adjourned. Judge Gear expressed it as his willingness to sit all night if the attorneys were agreeable. At 4 o'clock this afternoon the case will be continued, when Colonel Fitch will resume his cross examination of J. A. Magoon.

During the afternoon Mrs. Roe was on the stand as were also J. B. Atherton, Bruce Cartwright, Frank Brown, L. H. Dee and James Love himself.

The substance of the testimony given in the afternoon was that while James Love had been, at one time, a very hard drinker he had, nevertheless, shown some signs of being capable of saving money. He saved money when he was sober and spent lavishly when he was intoxicated, according to the burden of the testimony. No one had seen Love drunk for some time and the evidence seemed to point to his having reformed of late years. Love, himself, testified that he had never been a very hard drinker.

L. H. Dee testified that the old gentleman was very closefisted when he was sober but that he paid his whisky bills when he was drunk without any trouble.

The whole case yesterday was full of interesting little incidents.

Now and then there was merriment which could not be restrained and, then, on occasions which called for such action, perhaps, there was weeping behind fans and much emotion demonstrated.

There was one scene in the proceedings that could not help but attract the attention of anyone with any appreciation of things impressive. That was when James Love was on the stand.

There were three gray-heads in the scene—James Love on the stand, Colonel Fitch examining the witness and William Roe seated with his wife outside the rail.

Colonel Fitch, before introducing the witness, had asked the court to permit Love to sit nearer His Honor than the witness stand, saying that Love "was an old man and it was somewhat difficult for him to hear."

Magoon objected to this and when Love took the stand it developed that he could hear as well as anybody else, to all appearances.

The solicitude displayed by Colonel Fitch for Love and a whispered word of encouragement to Love on the part of Roe, as the former passed the lat-

ter on the way to the stand, all went to make up an interesting little by-play.

### NO SETTLEMENT IN SIGHT.

Steel Men Refuse Another Conference With the Labor Leaders.

PITTSBURG, Aug. 2.—The situation in the Amalgamated Steel strike this morning is anything but favorable to an amicable adjustment of the dispute between the association and the United States Steel Corporation. As far as can be learned President Schaffer, of the Amalgamated Association, has not received any reply from the New York officials of the company regarding a further conference except the telegram which, it is said, arrived last night declining a further discussion of the question at issue between the labor leaders and the company. The refusal of the Steel company officials to enter into another conference, if adhered to, leaves only two ways open to the Amalgamated Association. One is to order the striking workmen back to work under the best terms obtainable and the other is to proceed with the strike in the hope of involving all the Union men employed in the constituent concerns of the United States Corporation.

It seems almost certain that if the request of the Amalgamated Association for another conference is refused the strike will be extended to all the plants controlled by the big steel corporation where the Amalgamated Association has a foothold and that it will be the bitterest struggle between capital and labor ever seen in this country. In the big plants of the Federal Steel Company, the National Steel Company, and the National Tube Company all the organized men will be called out and every effort made to close the mills.

The conference adjourned at noon and issued the following: "There is nothing to give out. We will re-open at 2 o'clock." It is absolutely impossible to get any of the conference to give an expression of what has or will be done.

The strikers at Clark's mills in this city are very much discouraged at the turn affairs have taken with regard to the settlement of the trouble and several of the most enthusiastic strikers have intimated their intention of returning to the plant at the earliest moment on the most favorable terms possible.

The strikers at Planter's mill and the Lindsay & McCutcheon plant are still enthusiastic and say they will stay out until the leaders notify them to return to work. At Wellsville, Ohio, the feeling is growing that there will not be an early settlement.

Fifteen striking structural iron workers attacked a number of non-union men unloading iron at Wilkesburg, Pa. this morning and Charles Force, one of the workmen, was seriously injured. The workmen, reinforced by a number of policemen and about one hundred citizens, attacked the strikers who retreated and disappeared in Fern Hollow.

### MINGLING BEER AND GIN HE GOES TO JAIL FOR SIX MONTHS

Gabriel Assaulted a Woman—More Time to Prosecution in Moonshining Cases—Fines for Fast Driving

Gabriel, an old time police court offender, made a frantic effort to extricate himself from the charge of assault upon a Hawaiian woman named Rose Sylva, which was alleged to have taken place near Camp McKinley Wednesday afternoon. Gabriel had faced Judge Wilcox on several and sundry occasions, his usual complaint being chronic drunkenness. The mixture of gin and beer caused the trouble which resulted in the defendant receiving a sentence of six months at hard labor in Oahu prison. The testimony of a Camp McKinley officer, who had rushed to the defense of the woman, was too strong to be ignored by the court, despite the recital of a very flashy story by Gabriel.

The illicit liquor distilling cases at Kalihi were again postponed in Judge Dickey's court, pending the preparation of the case against five defendants.

F. H. Loucks charged with fast driving, was fined \$25 and costs. An appeal was taken by the defendant's attorney, F. M. Brooks.

The cases of Ah Oi, burglary, and Hamilton, Mankichi, Nenehiro and Chigoro, murder, who were released from Oahu prison on a writ of habeas corpus by Judge Gear, and afterwards arrested by the High Sheriff, did not receive preliminary hearing, their cases being postponed until moved on by the prosecution.

Brady Clemmons was fined \$25 and costs for assault on Les Redman. Sam Kekamani escaped with a slighter fine of \$10 for his unprovoked attack upon Hala, a Hawaiian woman.

Kawakuchi, charged with bribery, received a nolle prosequi.

A Japanese convicted of headless driving was released upon payment of a nominal fine of \$10.

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### Motor Carriage and Machine Co., UNION STREET NEAR HOTEL.

### ADMIRAL KIMBERLY NOT WELL ENOUGH TO SERVE

HE CANNOT SIT ON THE SCHLEY COURT OF NAVAL INQUIRY.

Full Text of the Correspondence Between the Admiral and the Secretary of the Navy—Spanish Officer Talks of the Brooklyn.

WASHINGTON, Aug. 2.—The Navy Department did not announce today the successor of Admiral Kimberly, on the Schley court of inquiry. The following correspondence with Admiral Kimberly relative to the latter's declination was made public today:

"West Newton, Mass., July 29, 1901.

"Sir:—I have the honor to acknowledge the receipt of rescript of a court of inquiry which is to convene on the 12th of September in which I am named as a member. I regret to have to request that I may be detached from said duty owing to disability from a weak heart, and its attending complications, being under medical treatment for the same.

"Much to my mortification this is the first department order that I am unable to honor during a naval life of fifty-five years.

"I am, very respectfully,

"Your obedient servant,

"L. A. KIMBERLY.

"Rear Admiral, U. S. N. (ret.)

"To Hon. John D. Long, Secretary of the Navy, Washington, D. C."

"Navy Department, Washington, August 2, 1901.

"Sir:—The Department is in receipt of your letter of the 29th, expressing a regret on your part at being obliged to ask that you may be detached from the duty of serving upon the court of inquiry convened the 12th of September next. The department learns with regret that you are suffering from a weak heart and its attending complications, for which you are under medical treatment. Such being the case, the department is reluctantly compelled to grant your request. Your letter continues: "Much to my mortification, this is the first department order that I am unable to honor during a naval life of fifty-five years."

"Let me hasten to assure you that there is no cause for mortification at this incident. On the contrary it affords an opportunity of which the department gladly avails itself to congratulate you for a record so loyal to the service. Moreover, this record amply justifies the wisdom of the Secretary of the Navy in assigning you to the grave and conspicuous duty of serving upon the court.

"Permit me to express the hope that your health will continue to improve so that in future should a less arduous duty be required of you, you may be fully able to respond.

"Very respectfully,

"F. W. HACKETT,

"Acting Secretary.

"Rear Admiral L. A. Kimberly (ret.), West Newton, Mass."

Spanish Officer's Statement.

NEW YORK, Aug. 2.—A dispatch to the Journal and Advertiser from

Madrid, says: Lieutenant Enrique Capriles, former Governor of Santiago de Cuba, who was on board the Spanish cruiser Vizcaya during the battle of Santiago, in an attempt to escape with the city records, and treasure of Santiago, in an interview regarding Admiral Schley, said:

"I was on the bridge of the Vizcaya and saw the fight. I saw the Brooklyn and from an excellent position observed her movements. The Brooklyn attacked us and it is ridiculous to say the Brooklyn kept too far away or stayed out of the fight.

"There can't have been cowardice when the ship engaged three others. Eye witnesses of the battle are dying off, and it is better to finally settle the question now while enough witnesses are living."

### \$5 Reward

To the person returning to The Republic office a Sterling Bicycle, spokes painted blue, which was left in front of Nolte's restaurant on Wednesday night.

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